

## **Agenda Item No. 5a**

City of Wichita  
City Council Meeting  
Agenda Report No. 05-0001

January 4, 2005

TO: Mayor and City Council Members

SUBJECT: Petitions for Paving, Sanitary Sewer and Water Distribution System to serve Angel Fire Addition (North of 47th St. South, East of West St.) (District IV)

INITIATED BY: Department of Public Works

AGENDA: Consent

Recommendation: Approve the new Petitions

Background: On April 24, 2001, the City Council approved Petitions for paving, sanitary sewer and water distribution systems in Angel Fire Addition. The developer has submitted new Petitions to reflect changes to the marketing of lots within the addition. The signature on the new Petitions represent 100% of the improvement districts.

Analysis: These projects will serve a new residential development located North of 47th St. South, East of West Street.

Financial Considerations: The Petitions total \$707,217. The funding source is special assessments.

Legal Considerations: State Statutes provide that a Petition is valid if signed by a majority of resident property owners or the majority of the property in the improvement district.

Recommendation/Action: It is recommended that the City Council approve the new Petitions and adopt the Resolutions (hold for development).

## **Agenda Item No. 5b**

City of Wichita  
City Council Meeting  
January 4, 2005

## **Agenda Report No. 05-0002**

TO: Mayor and City Council Members

SUBJECT: Petitions for Street paving, Sanitary Sewer, Drainage and Water Distribution Systems to serve Reed's Cove Addition (east of 127th Street East, South of 21st) (District II)

INITIATED BY: Department of Public Works

AGENDA: Consent

Recommendation: Approve the Petitions.

Background: On July 15, 2003 and September 16 2003, the City Council approved Petitions for street paving, drainage improvements, sanitary sewer and water distribution systems in Reed's Cove Addition. The developer has submitted new Petitions to reallocate special assessments to equalize total assessments within the development. The signature on the petitions represents 100% of the improvement districts.

Analysis: The projects will serve a new residential development located east of 127th Street East, South of 21st.

Financial Considerations: The project budgets are unchanged.

Legal Considerations: State Statutes provide that a Petition is valid if signed by a majority of resident property owners or owners of the majority of the property in the improvement district.

Recommendation/Action: It is recommended that the City Council approve the Petitions and adopt the Resolutions.

## **Agenda Item No. 5c**

City of Wichita  
City Council Meeting  
January 4, 2005

Agenda Report No. 05-0003

TO: Mayor and City Council Members

SUBJECT: Petition to construct a Storm Water Drain in The Fairmont 3rd Addition  
(West of 127th St. East, North of 21st) (District II)

INITIATED BY: Department of Public Works

AGENDA: Consent

Recommendation: Approve the Petition.

Background: The Petition has been signed by one owner, representing 100% of the improvement district.

Analysis: The project will provide drainage improvements within residential development located West of 127th St. East, North of 21st.

Financial Considerations: The Petition totals \$228,000. The funding source is special assessments.

Legal Considerations: State Statutes provide that a Petition is valid if signed by a majority of resident property owners or the majority of the property in the improvement district.

Recommendation/Action: It is recommended that the City Council approve the Petition and adopt the Resolution.

### **Agenda Item No. 5d**

City of Wichita  
City Council Meeting  
January 4, 2005

Agenda Report No. 05-0004

TO: Mayor and City Council Members

SUBJECT: Petition to construct a storm water drain to serve Highland Springs 3rd Addition (west of 135th St. West, south of Central) (District V)

INITIATED BY: Department of Public Works

AGENDA: Consent

Recommendation: Approve the new Petition.

Background: On May 20, 2003, the City Council approved a Petition to construct a storm water drain to serve Highland Springs 3rd Addition. The developer has submitted a new Petition to reallocate special assessments within the Addition. The signature on the new Petition represents 100% of the improvement district.

Analysis: The project will serve a new residential development located west of 135th St. West, south of Central.

Financial Considerations: The project budget is unchanged.

Legal Considerations: State Statutes provide that a Petition is valid if signed by a majority of resident property owners or the majority of the property in the improvement district.

Recommendation/Action: It is recommended that the City Council approve the new Petition and adopt the Resolution.

## Agenda Item No. 5e

City of Wichita  
City Council Meeting  
January 4, 2005

Agenda Report No. 05-0005

TO: Mayor and City Council Members

SUBJECT: Petition to construct a Boardwalk and Utility Service Lines on Mead, between Douglas and 1st Street. (District VI)

INITIATED BY: Department of Public Works

AGENDA: Consent

Recommendation: Approve the new Petition.

Background: On July 11, 2000, the City Council approved a Petition to construct a boardwalk and utility service lines on Mead, between Douglas and 1st Street. A new Petition has been submitted to change the method of assessment from the square foot to the fractional basis. The signature on the new Petition represents 100% of the improvement district.

Analysis: The purpose of the new Petition is to reallocate special assessments within the improvement district to reflect the benefits received by each property.

Financial Considerations: The existing Petition totals \$53,300. The new Petition totals \$53,156.24, which is the actual cost of the project. The funding source is special assessments.

Legal Considerations: State Statutes provide that a Petition is valid if signed by a majority of resident property owners or the majority of the property in the improvement district.

Recommendation/Action: It is recommended that the City Council approve the new Petition and adopt the Resolution.

### **Agenda Item No. 5f**

City of Wichita  
City Council Meeting  
January 4, 2005

Agenda Report No. 05-0006

TO: Mayor and City Council Members

SUBJECT: Petition to construct a sanitary sewer to serve part of Ridge Port 4th and 5th Additions (north of 29th St. North, east of Ridge). (District V)

INITIATED BY: Department of Public Works

AGENDA: Consent

Recommendation: Approve the Petition.

Background: The Petition has been signed by one owner, representing 100% of the improvement district.

Analysis: The project will provide sanitary sewer service to a new residential development located north of 29th St. North, east of Ridge.

Financial Considerations: The Petition totals \$23,000. The funding source is special assessments.

Legal Considerations: State Statutes provide that a Petition is valid if signed by a majority of resident property owners or the majority of the property in the improvement district.

Recommendation/Action: It is recommended that the City Council approve the Petition and adopt the Resolution.

### **Agenda Item No. 5g**

City of Wichita  
City Council Meeting  
December 28, 2004

Agenda Report No. 05-0007

TO: Mayor and City Council Members

SUBJECT: Petition to construct a sanitary sewer to serve an unplatted tract located west of Hoover, north of 8th Street (District VI)

INITIATED BY: Department of Public Works

AGENDA: Consent

Recommendation: Approve the Petition.

Background: The Petition has been signed by two owners, representing 100% of the improvement district.

Analysis: The project will provide sanitary sewer service to a home located west of Hoover, north of 8th Street.

Financial Considerations: The Petition totals \$7,500. The funding source is special assessments.

Legal Considerations: State Statutes provide that a Petition is valid if signed by a majority of resident property owners or the majority of the property in the improvement district.

Recommendation/Action: It is recommended that the City Council approve the Petition and adopt the Resolution.

## **Agenda Item No. 6a**

**City of Wichita  
City Council Meeting  
January 4, 2005**

**Agenda Report No. 05-0008**

**TO:** Mayor and City Council Members

**SUBJECT:** Street Closure: McLean Boulevard at Athenian (Districts IV and VI)

**INITIATED BY:** Department of Public Works

**AGENDA:** Consent

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**Recommendation:** Approve the street closure.

**Background:** On September 28, 2004, the City Council approved a contract with Wildcat Construction Company, Inc. to install a large storm drainage system in west Wichita which will begin at the Arkansas River near the intersection of Athenian, proceed south on Athenian to First Street and then west toward West St. The installation of a 5' x 10' concrete box structure will require a large excavation area and it will not be possible to efficiently and safely maintain traffic on McLean while the drainage structure is being installed. A 10 day closure of McLean at Athenian is needed to minimize construction and related traffic safety concerns, and ensure the quality of the installation. The requested street closure is tentatively scheduled to begin approximately 9:00 am Friday, January 7, 2005 and be completed on or before 6:30 am Monday, January 17, 2005. If the weather conditions at that time are not conducive to completing the necessary work, a delay in the start date will occur.

**Analysis:** Wildcat Construction Company, Inc. is responsible for the placement of the required construction signs and barricades and the notification of area businesses and residents. During the street closure, traffic on McLean Blvd. will be detoured as follows:

Westbound Central and McLean traffic will be detoured south from Seneca and McLean to Second, west to Meridian, and then north to the Central – Meridian – McLean intersection.

**Financial Considerations:** None

**Legal Considerations:** None

**Recommendation/Action:** It is recommended that the City Council approve the street closure.

## **Agenda Item No. 6b**

City of Wichita  
City Council Meeting  
January 4, 2005

Agenda Report No. 05-0009

TO: Mayor and City Council Members

SUBJECT: Street Closure: 55th Street South, between Water and Gold Streets. (District IV)

INITIATED BY: Department of Public Works

AGENDA: Consent

Recommendation: Approve the street closure.

Background: On June 8, 2004, the City Council approved a contract with Mies Construction Company to install a Sanitary Sewer to serve My House Addition in south Wichita. The extreme depth of the connection to a sewer main in 55th Street South will require a large excavation area and it will not be possible to efficiently and safely maintain traffic on 55th Street while the connection is being made. A weekend closure is needed to minimize construction and related traffic safety concerns, and ensure the quality of the installation. The requested street closure is tentatively scheduled to begin approximately midnight Friday, January 7, 2005 to midnight Sunday, January 9th. If the weather conditions at that time are not conducive to completing the necessary work, a delay in the start date will occur.

Analysis: Mies Construction is responsible for the placement of the required construction signs and barricades and the notification of area businesses and residents. During the street closure 55th St. traffic will be detoured as follows:

Westbound 55th St. Traffic will be detoured south from Broadway and 55th to 63rd St., west to Seneca and then north to the Seneca and 55th St. Intersection.  
Eastbound 55th St. Traffic will be detoured south from Seneca and 55th to 63rd St., east to Broadway and then north to the Broadway and 55th St. intersection.

Financial Considerations: None.

Legal Considerations: None.

Recommendation/Action: It is recommended that the City Council approve the street closure.

## **Agenda Item 7a**

City of Wichita

City Council Meeting

January 4, 2005

Agenda Report No. 05-0010

TO: Mayor and City Council Members

SUBJECT: Providing Local Technology Training and Computer-Based Training – Selection of Vendors

INITIATED BY: IT/IS

AGENDA: Consent

Recommendation: Approve contracts.

Background: IT/IS contracts with technology training vendors to provide local and computer-based technology training. This training is necessary to maintain the efficiency of the City of Wichita computing environment by keeping staff current with technology.

Analysis: A competitive Request for Proposal (FP400110) was issued for “Providing Local Technology Training and Computer-based Training” and 3 responses were received. A staff screening and selection committee reviewed and evaluated the proposals based on the criteria set forth in the Request for Proposal. During the evaluation, the committee determined that each company had unique offerings and advantages, all of which would enhance the IT/IS training program. Therefore the committee determined that New Horizons should be contracted for desktop and entry-level training, ExecuTrain should be contracted for advance technical training, and Thomson NETg should be contracted for self-paced computer training on CD-ROM. The new contracts will be for one year with options to renew under the same terms and conditions for two (2) additional one (1) year periods by mutual agreement of both parties.

Financial Considerations: Technology training costs are within departmental operating budgets, and the annual total is expected not to exceed \$89,000.

Legal Considerations: The Law Department will review and approve the contracts as to form.

Recommendation/Action: It is recommended that the City Council approve the contracts to New Horizons, ExecuTrain, and Thomson NETg and authorize the necessary signatures.

**Agenda Item #7b**

City of Wichita  
City Council Meeting  
January 4, 2005

Agenda Report No. 05-0011

TO: Mayor and City Council

SUBJECT: Agreement to Respread Assessments: Regency Park Addition (west of Greenwich, south of 29th Street North) (District II)

INITIATED BY: Department of Finance

AGENDA: Consent

Recommendation: Approve the Agreement.

Background: The landowners, Regency Park of Wichita, LLC and Greenwich Business Park Association, have submitted an Agreement to respread special assessments within the Addition.

Analysis: The land was originally included in several improvement districts for a number of public improvement projects. The purpose of the Agreement is to eliminate special assessments on two parcels.

Financial Considerations: There is no cost to the City.

Legal Considerations: The Agreement has been approved as to form by the Law Department.

Recommendations/Actions: It is recommended that the City Council approve the Agreement and authorize the necessary signatures.

### **Agenda Item #7c**

City of Wichita  
City Council Meeting  
January 4, 2005

Agenda Report No. 05-0012

TO: Mayor and City Council

SUBJECT: Agreement to Respread Assessments: Woodland Lakes Estates 4th Addition (south of Lincoln, west of 127th Street East) (District II)

INITIATED BY: Department of Finance

AGENDA: Consent

Recommendation: Approve the Agreement.

Background: The landowner, International Trading, Inc., has submitted an Agreement to respread special assessments within Woodland Lakes Estates 4th Addition.

Analysis: The land was originally included in an improvement district for a public sanitary sewer improvement project. The purpose of the Agreement is to respread special assessments on a fractional basis for each lot, therefore, distributing the cost of the improvements more fairly. Without the Agreement, the assessments will remain spread on a square foot basis.

Financial Considerations: There is no cost to the City.

Legal Considerations: The Agreement has been approved as to form by the Law Department.

Recommendations/Actions: It is recommended that the City Council approve the Agreement and authorize the necessary signatures.

### **Agenda Item #7d**

City of Wichita  
City Council Meeting  
January 4, 2005

Agenda Report No. 05-0013

TO: Mayor and City Council

SUBJECT: Agreements to Respread Assessments: Shoal Creek 3rd Addition (west of 143rd Street East and south of Central) (District II)

INITIATED BY: Department of Finance

AGENDA: Consent

Recommendation: Approve the Agreements.

Background: The landowner, Scott Land, L.L.C., platted Shoal Creek 3rd Addition and has submitted an Agreement to respread special assessments within the Addition.

Analysis: The land was originally included in a number of improvement districts for several public improvement projects. The purpose of the Agreements is to respread special assessments on a fractional basis for each lot. Without the Agreements, the assessments will be spread on a square foot basis.

Financial Considerations: There is no cost to the City.

Legal Considerations: The Agreements have been approved as to form by the Law Department.

Recommendations/Actions: It is recommended that the City Council approve the Agreements (2) and authorize the necessary signatures.

### **Agenda Item No. 7e**

City of Wichita  
City Council Meeting  
January 4, 2005

Agenda Report No. 05-0014

TO: Mayor and City Council Members

SUBJECT: Supplemental Agreement for Murdock Street Bridge over the Little Arkansas River (District VI)

INITIATED BY: Department of Public Works

AGENDA: Consent

Recommendation: Approve the Supplemental Agreement.

Background: On December 2, 2003, the City entered into an Agreement with Professional Engineering Consultants, P.A. (PEC) for designing improvements to the Murdock Street Bridge over the Little Arkansas River that includes rehabilitation of the abutments, piers, sidewalk, railing, and bridge deck. The fee was \$17,988. On April 13, 2004, the City Council approved Supplemental Agreement No. 1, for construction engineering services. The fee was \$95,000.

Analysis: On November 1, 2004, a 36" waterline broke near the east end of the bridge. The proposed Supplemental Agreement between the City and PEC provides for additional design services to design a replacement waterline and construction engineering services to assess possible bridge damage caused by the waterline break.

Financial Considerations: Payment to PEC will be on a lump sum fee not to exceed \$32,200, and will be paid by Operating Revenue and General Obligation Bonds.

Legal Considerations: The Supplemental Agreement has been approved as to form by the Law Department.

Recommendation/Action: It is recommended that the City Council approve the Supplemental Agreement and authorize the necessary signatures.

SUPPLEMENTAL AGREEMENT NO. 2

TO THE

AGREEMENT FOR PROFESSIONAL SERVICES DATED DECEMBER 2, 2003

BETWEEN

THE CITY OF WICHITA, KANSAS

PARTY OF THE FIRST PART, HEREINAFTER CALLED THE

"CITY"

AND

PROFESSIONAL ENGINEERING CONSULTANTS, P.A.

PARTY OF THE SECOND PART, HEREINAFTER CALLED THE

"ENGINEER"

WITNESSETH:

WHEREAS, there now exists a Contract (dated December 2, 2003) between the two parties covering engineering services to be provided by the ENGINEER in conjunction with the construction of improvements to MURDOCK STREET BRIDGE OVER THE LITTLE ARKANSAS RIVER.

WHEREAS, Paragraph IV. B. of the above referenced Contract provides that additional work be performed and additional compensation be paid on the basis of a Supplemental Agreement duly entered into by the parties, and

WHEREAS, it is the desire of both parties that the ENGINEER provide additional services required for the PROJECT and receive additional compensation (as revised herein):

NOW THEREFORE, the parties hereto mutually agree as follows:

A. PROJECT DESCRIPTION

The description of the improvements that the CITY intends to construct and thereafter called the "PROJECT" as stated on page 1 of the above referenced agreement is hereby amended

to include the following:

- Murdock Waterline Replacement (design)
- Murdock Bridge Damage Inspection
- Murdock Bridge Coordination with Wingate Property

**B. PAYMENT PROVISIONS**

The lump sum fee and the accumulated partial payment limits in Section IV. A. shall be amended as follows:

Payment to the ENGINEER for the performance of the professional services as outlined in this supplemental agreement shall be made on the basis of the lump sum fee not to exceed:

Waterline replacement (636126)	\$25,200.00
Bridge Damage Inspection (715698)	\$ 2,000.00
Coordination with Wingate (715698)	\$ 5,000.00 (hourly fee)
	\$32,200.00

**C. PROVISIONS OF THE ORIGINAL CONTRACT**

The parties hereunto mutually agree that all provisions and requirements of the existing Contract, not specifically modified by this Supplemental Agreement, shall remain in force and effect.

IN WITNESS WHEREOF, the CITY and the ENGINEER have executed this Supplemental Agreement as of this \_\_\_\_\_ day of \_\_\_\_\_, 2005.

BY ACTION OF THE CITY COUNCIL

\_\_\_\_\_  
Carlo Mayans, City Mayor

ATTEST:

\_\_\_\_\_  
Karen Schofield, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Gary Rebenstorf, Director of Law

PROFESSIONAL ENGINEERING CONSULTANTS, P.A.

\_\_\_\_\_  
(Name & Title)

ATTEST:

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## **Agenda Item No. 7f**

City of Wichita  
City Council Meeting  
January 4, 2005

Agenda Report No. 05-0015

TO: Mayor and City Council Members

SUBJECT: Supplemental Agreement for Four Mile Creek North Pump Station (District II)

INITIATED BY: Department of Public Works

AGENDA: Consent

Recommendation: Approve the Supplemental Agreement.

Background: On October 22, 2002, the City entered into an Agreement with Ruggles & Bohm, P.A. (R&B) for designing a sanitary sewer lift station, gravity sewer lines to the lift station, and a force main from the lift station to the Four Mile Creek Sanitary Sewage Treatment Plant, to address capacity issues for the area to the north of Crestview Country Club. The fee was \$137,198. On May 18, 2004, the City Council approved Supplemental Agreement No. 1, for additional design services to design a sanitary sewer across the Crestview Country Club property. This alignment was required due to unsuccessful attempts to obtain an easement for construction of a new lift station on the north side of 13th Street, between 127th Street East and 143rd Street East. The fee for the development of the plans was \$93,798.

Analysis: R&B has been asked for a study of alternate routes for the area north of the Crestview sewer project, more specifically to study the developing areas north of Crestview Country Club, up to and including the area as far north as 29th Street North, to allow appropriate sizing and grading of the interceptor sewer through Crestview, and to study appropriate alignments for future sewer main extensions, that will be required to serve the additional areas. The proposed Supplemental Agreement provides for the additional services.

Financial Considerations: Payment to R&B will be on a lump sum basis of \$5,000, and will be paid by Revenue Bonds.

Legal Considerations: The Supplemental Agreement has been approved as to form by the Law Department.

Recommendation/Action: It is recommended that the City Council approve the Supplemental Agreement and authorize the necessary signatures.

SUPPLEMENTAL AGREEMENT NO. 2

TO THE

AGREEMENT FOR PROFESSIONAL SERVICES DATED OCTOBER 22, 2002

BETWEEN

THE CITY OF WICHITA, KANSAS

PARTY OF THE FIRST PART, HEREINAFTER CALLED THE

"CITY"

AND

RUGGLES & BOHM, P.A.

PARTY OF THE SECOND PART, HEREINAFTER CALLED THE

"ENGINEER"

WITNESSETH:

WHEREAS, there now exists a Contract (dated October 22, 2002) between the two parties covering engineering services to be provided by the ENGINEER in conjunction with the construction of improvements for SANITARY SEWER LIFT STATION, GRAVITY SEWER LINES TO THE LIFT STATION, AND A FORCE MAIN FROM THE LIFT STATION TO THE FOUR MILE CREEK SANITARY SEWAGE TREATMENT PLANT (CIP S-532) (OCA #624078).

WHEREAS, Paragraph IV. B. of the above referenced Contract provides that additional work be performed and additional compensation be paid on the basis of a Supplemental Agreement duly entered into by the parties, and

WHEREAS, it is the desire of both parties that the ENGINEER provide additional services required for the PROJECT and receive additional compensation (as revised herein):

NOW THEREFORE, the parties hereto mutually agree as follows:

A. PROJECT DESCRIPTION

The description of the improvements that the CITY intends to construct and thereafter called the "PROJECT" as stated on page 1 of the above referenced agreement is hereby amended to include the following:

Evaluate options to intercept sanitary sewer flows from an existing 24" sewer main serving Reed's Cove (and other properties) north of Rocky Creek Addition. This evaluation will include four route options, as follows:

- Route 1: A gravity main extending west from the Crestview Sewer Main terminus along 13th Street North, north along 129th Street East, and east along the north line of Rocky Creek

Addition to the existing termination point of the existing 24" sanitary sewer.

- Route 2: A gravity main extending north from the Crestview Sewer Main terminus through the Reserve Areas and to the north line of Rocky Creek Addition, then east along the north line of Rocky Creek Addition to the existing termination point of the existing 24" sanitary sewer.

- Route 3: Investigate the possibility of reaming the existing 10" sanitary sewer line which connects to the termination point of the Crestview Sewer Main, through Rocky Creek, to the termination point of the existing 24" sanitary sewer.

- Route 4: Investigate the possibility of placing a lift station at the termination point of the existing 24" sanitary sewer main located near the northeast corner of Rocky Creek, and installing a force main through Rocky Creek Addition to the termination point of the Crestview Sewer Main.

Evaluate the four options above as to their suitability for a future connection to the Wawona Lift Station, and the cost implications of this scenario.

A summary of the routes described above will be presented in the form of a report to the City of Wichita, detailing the anticipated costs associated with each route, and the secondary costs associated with a future connection to the Wawona Lift Station.

#### B. PAYMENT PROVISIONS

The fee in Section IV. A. shall be amended to include the following:

Payment to the ENGINEER for the performance of the professional services as outlined in this supplemental agreement shall be made on the basis of the lump sum fee amount of \$5,000.00.

#### C. COMPLETION

The ENGINEER agrees to complete and deliver the field notes, preliminary and final plans (including final tracings), specifications and estimates to the CITY by \_\_\_\_\_; EXCEPT that the ENGINEER shall not be responsible or held liable for delays occasioned by the actions or inactions of the CITY or other agencies, or for other unavoidable delays beyond the control of the ENGINEER.

#### D. PROVISIONS OF THE ORIGINAL CONTRACT

The parties hereunto mutually agree that all provisions and requirements of the existing Contract, not specifically modified by this Supplemental Agreement, shall remain in force and effect.

IN WITNESS WHEREOF, the CITY and the ENGINEER have executed this Supplemental Agreement as of this \_\_\_\_\_ day of \_\_\_\_\_.

BY ACTION OF THE CITY COUNCIL

\_\_\_\_\_  
Carlos Mayans, Mayor

ATTEST:

\_\_\_\_\_  
Karen Sublett, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Gary Rebenstorf, Director of Law

RUGGLES & BOHM, P.A.

\_\_\_\_\_  
(Name and Title)

ATTEST:

\_\_\_\_\_

**Agenda Item No .8a**

**City of Wichita  
City Council Meeting  
January 4, 2005**

**Agenda Report No. 05-0017**

**TO:** Mayor and City Council Members

**SUBJECT:** Change Order: Sanitary Sewer to serve Hidden Glen Addition (North of 47th St. South west of Hydraulic) (District III)

**INITIATED BY:** Department of Public Works

**AGENDA:** Consent

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**Recommendation:** Approve the Change Order.

**Background:** On July 13, 2004, the City Council approved a construction contract with Nowak Construction Company to build a sanitary sewer in Hidden Glen Addition. The new sewer pipe connects to a concrete encased 8" line under Hydraulic. The stubb line has been found to be defective and in need of replacement.

**Analysis:** A Change Order has been prepared for the cost to construct the 8" line under Hydraulic. Funding is available within the project budget.

**Financial Considerations:** The cost of the additional work is \$35,000 with the total paid by a combination of special assessments (\$16,500), Sanitary Sewer Utility (\$10,000) and City-at-Large (\$8,500). The original contract is \$186,049. This Change Order Orders represent 18.8% of the original contract amount.

**Legal Considerations:** The Law Department has approved the Change Order as to legal form. The Change Order amount is within 25% of the construction contract cost limit set by the City Council policy.

**Recommendation/Action:** It is recommended that the City Council approve the Change Order and authorize the necessary signatures.



## CHANGE ORDER

**706877 - \$8,500.00**

Acting Director of Public Works

**Approved as to Form:**

**By Order of the City Council:**

\_\_\_\_\_  
Gary Rebenstorf  
Director of Law

\_\_\_\_\_  
Date  
Date

\_\_\_\_\_  
Carlos Mayans  
Mayor

**Attest:**

\_\_\_\_\_  
City Clerk

**Agenda Item No. 10a**

City of Wichita  
City Council Meeting  
January 4, 2004

Agenda Report No. 05-0019

TO: Mayor and City Council

SUBJECT: Wireless Hot Spots

INITIATED BY: Department of Information Technology

AGENDA: Consent

Recommendation: Approve the budget transfers.

Background: City of Wichita departments are becoming more and more dependant on information systems to do their work. However, currently there is no way for them to access those systems from the field with mobile computing platforms such as laptops or personal data assistants (PDAs). It has long been a stated objective of the City to develop wireless network and mobile/portable computing capabilities.

Analysis: For departments, the business value and operational benefits of wireless technology are intuitive and enormous. For example, City inspectors could remain in the field doing inspections instead of driving back to City Hall to enter inspection results into the system. Repair and maintenance personnel could receive work orders in the field and deal with issues as they arise. Police and Fire could access information while responding to emergencies.

To begin the conversion to wireless, IT/IS included money in the budget for a feasibility study and a pilot project of six wireless “hot spots”. The proposed sites are the four Police substations, the Central Maintenance Facility and the City Hall parking garage.

Financial Considerations: The IT/IS budget includes a total of \$185,000 for the feasibility study and creation of wireless “hot spots”. Transferring those funds to a project account will preserve the City’s ability to use the wireless funds in 2005.

Legal Considerations: Transfers over \$10,000 require City Council approval.

Recommendations/Actions: It is recommended that the City Council approve the budget transfers.

#### Agenda Item No. 10b

City of Wichita  
City Council Meeting  
January 4, 2004

Agenda Report No. 05-0020

TO: Mayor and City Council

SUBJECT: Network Intrusion Detection System

INITIATED BY: Department of Information Technology

AGENDA: Consent

Recommendation: Approve the budget transfers.

Background: An intrusion detection system (IDS) is a network device that will work in conjunction with the City’s existing firewall technology to add an additional layer of security to the network.

Analysis: The added layer of security allows network administrators to monitor the City’s network for the types of connection activity and suspect data patterns used by hackers. The IDS will continuously protect the network. When suspect activity is detected, the IDS will block the hackers’ attempt by shutting down the offending network connection and will immediately notify network administrators of the attack.

Financial Considerations: The hardware, software and training costs to implement this technology are \$32,000. The funding is included in the 2004 budget. In order to preserve the money that has already been allocated, it is necessary to transfer the funds into a project account. It is anticipated that the project will be completed in the first quarter of 2005.

Legal Considerations: Transfers over \$10,000 require City Council approval.

Recommendations/Actions: It is recommended that the City Council approve the budget transfers.

## **Agenda Item No. 11**

City of Wichita  
City Council Meeting  
January 4, 2005

Agenda Report No. 05-0021

TO: Mayor and City Council

SUBJECT: U.S. Department of Justice Grant

INITIATED BY: Police Department

AGENDA: Consent

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Recommendation: Approve the application and grant award.

Background: The City of Wichita has been notified that it will be awarded a Congressional earmark from the U.S. Department of Justice as a part of the Consolidated Appropriations Act of FY 2005. The grant award is designated for law enforcement costs related to the Police Department's ongoing cold case investigation. The Office of Justice Programs, Bureau of Justice Assistance, will be responsible for grant administration and monitoring.

Analysis: The Congressional earmark funding will be used to cover costs associated with the ongoing investigation that are not included in the Police Department's general fund budget. The associated costs will include, but not be limited to, paying for overtime, fringe benefits associated with overtime, investigative travel, law enforcement equipment, commodities and other items. In addition, a portion of the grant will be used to pay for outside services for agencies participating in the investigation. These costs will be paid on a reimbursement basis.

Financial Considerations: The FY 2005 Congressional earmark grant amount is \$986,643. No local match is required.

Legal Considerations: City Council approval is required for grant awards in excess of \$10,000. The required Memorandum of Agreement will be approved as to form by the Law Department.

Recommendations/Actions: It is recommended that the City Council authorize submission of the grant application, approve acceptance of the grant award, and authorize the appropriate signatures.

## **Agenda Item #12**

City of Wichita  
City Council Meeting  
January 4, 2005

Agenda Report No. 05-0022

To: Mayor and City Council

Subject: Project Safe Neighborhood Grant – Wichita Area Gun Task Force MOU

Initiated By: Police Department

Agenda: Consent

Recommendation: Approve the Memorandums of Understanding and the additional position.

Background: The following organizations have agreed to form the Wichita Area Gun Task Force: the Wichita Police Department, the Sedgwick County Sheriff's Office, the Kansas Bureau of Investigation, the U.S. Bureau of Alcohol, Tobacco, Firearms & Explosives, the Sedgwick County District Attorney's Office, and the United States Attorney District of Kansas.

Analysis: In 2001, the United States Department of Justice placed a priority on reducing gun violence throughout America. In an effort to accomplish this, Project Safe Neighborhood was created. The Project Safe Neighborhood initiative closely coordinates the work of federal, state, and local law enforcement with community and neighborhood organizations; its major goals are decreasing gun crime incidents in communities and increasing the number of gun crime prosecutions. Since its inception in May 2003, the Project Safe Neighborhood program has proven to be an invaluable tool to the City of Wichita and Wichita Police Department. Creation of the Wichita Area Gun Task Force will enhance our efforts to remove dangerous criminals who use firearms to commit their violent crimes from the streets of Wichita.

A 24 month agreement between the Attorney General of Kansas and the five Wichita Area Gun Task Force partners has been prepared to facilitate this partnership. The U.S. Department of Justice, Project Safe Neighborhood (PSN) Program, has awarded a grant for the partial salaries of two additional detectives to be assigned to the Wichita Area Gun Task Force. One of those positions will be a Wichita Police Department detective and one will be a Sedgwick County Sheriff's Office detective.

Financial Considerations: Based on the MOUs, the Project Safe Neighborhood grant will

reimburse the City for the salary of one new City detective position, up to \$50,779 annually (in addition to fully funding several operating costs). Adding one Police Detective will cost a minimum of \$57,450; hence there will be a net General Fund cost of at least \$6,671 annually for two years. These amounts will be absorbed within the 2005 Adopted budget for the Police Department. When this MOU terminates, the additional City position can be absorbed within the Police Department through attrition; there is not a retention requirement in the agreement.

Legal Considerations: The contract for services will be reviewed and approved as to form by the Law Department.

Recommendations/Actions: Approve the two Wichita Area Gun Task Force-related Memorandums of Understanding and authorize the Mayor to sign. Approve the additional Police Detective position.

### **Agenda Item #13**

City of Wichita  
City Council Meeting  
January 4, 2005

Agenda Report No. 05-0023

TO: Mayor and City Council Members

SUBJECT: Nuisance Abatement Assessments (All Districts)

INITIATED BY: Department of Environmental Health

AGENDA: Consent

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Recommendation: Approve the assessments and ordinance.

Background: The Department of Environmental Health supports neighborhood maintenance and improvement through abatement of nuisances under Titles 7 and 8 of the City Code. State law and local ordinances allow the City to clean up or mow private property that is in violation of environmental standards after proper notification of the responsible party. A private contractor performs the work, and Environmental Health bills the cost to the property owner.

Analysis: State law and city ordinance allow placement of the cleanup and mowing costs as a special property tax assessment if the property owner does not pay. Payment has not been received for the nuisance abatements in question, and Environmental Health is requesting permission for the Department of Finance to process the necessary special assessments.

Financial Considerations: Nuisance abatement and mowing contractors are paid through budgeted appropriations from the City's General Fund. Placement of special assessments provides for reimbursement of these expenditures to the City. Nuisance abatements to be placed on special assessment total \$37,359.93; weed mowing charges total \$52,500.22

Legal Considerations: These assessments are in accordance with Chapter 7.40.050 and 7.40.060 of the City Code.

Recommendation/Action: It is recommended that the City Council approve the proposed assessments and place the ordinance on first reading.

## **Agenda Item No. 14**

City of Wichita  
City Council Meeting  
January 4, 2005

Agenda Report No. 05-0024

TO: Mayor and City Council Members

SUBJECT: 2005 Arterial Sidewalk and Wheelchair Ramp Program, Phase 1 (All Districts)

INITIATED BY: Department of Public Works

AGENDA: Consent

Recommendation: Approve the project.

Background: The 2004-2013 Capital Improvement Program (CIP) adopted by the City Council includes funding to construct arterial street sidewalks and to install wheelchair ramps at various locations in the City. The wheelchair ramp component of the program is part of an ongoing effort to retrofit the entire City as required by the Americans with Disabilities Act of 1990, and is being presented for approval at this time. The arterial sidewalk locations will be presented at a later date following review by District Advisory Boards.

Analysis: The wheelchair ramps are being installed on a priority basis with emphasis at schools, institutions, and other high traffic locations.

Financial Considerations: The 2005 CIP budget is \$450,000 with \$400,000 to fund wheelchair ramps and \$50,000 for arterial street sidewalks. Authority to spend \$400,000 for wheelchair ramps is requested at this time. The funding source is General Obligation Bonds.

Legal Considerations: The Law Department has approved the authorizing Resolution as to legal form.

Recommendation/Action: It is recommended that the City Council approve the project and adopt the authorizing Resolution.

## **Agenda Item No. 15**

City of Wichita  
City Council Meeting  
January 4, 2005

Agenda Report No. 05-0025

TO: Mayor and City Council Members

SUBJECT: Intelligent Transportation System (All Districts)

INITIATED BY: Department of Public Works

AGENDA: Consent

Recommendation: Approve the traffic signal study.

Background: In 1997 the Federal Highway Administration (FHWA) and the Kansas Department of Transportation (KDOT) budgeted funds to be used for an Intelligent Transportation Systems (ITS) Early Deployment Planning Study in the City of Wichita. Intelligent Transportation Systems use advanced computer technology to coordinate traffic signals and message boards to improve traffic flow on major streets and freeways. On March 4, 1997, the City Council approved an agreement with KDOT that authorized the City to hire an engineering consultant firm to be paid by FHWA/KDOT funds. On December 16, 1997, the City Council selected HNTB Corporation to perform the study. In December, 1998, HNTB Corporation completed the early deployment study for the Wichita metropolitan area. The study recommended that the City of Wichita evaluate its current traffic signal systems to determine the need for new signal technology and expansion to outlying areas. On January 17, 2002, the City Council approved an agreement with Sedgwick County and the Kansas Department of Transportation to jointly fund a five year program for the signal study, future design costs and implementation of projects identified by the study. On May 24, 2004, the Staff Screening and Selection Committee selected HNTB Corporation to complete the traffic signal system upgrade study.

Analysis: The results of the study will be presented to the City Council at a future date for initiation of specific signal system projects.

Financial Considerations: The budget contained in the 2004 Capital Improvement Program is \$1,495,000. \$525,000 is requested at this time to fund the signal study and associated engineering and administrative costs. The funding sources are: \$105,000 paid by the City, \$105,000 by Sedgwick County and \$315,000 by Federal Grants administered by the KDOT. The Funding source for the City share is General Obligation Bonds. The HNTB study fee is \$499,783.68.

Legal Considerations: The Law Department has approved the authorizing Resolution and consultant agreement as to legal form.

Recommendation/Action: It is recommended that the City Council approve the project, approve the consultant agreement, approve the Resolution and authorize the signing of State/Federal agreements as required.

**Agenda Item No. 16**

City of Wichita  
City Council Meeting  
January 4, 2005

Agenda Report No. 05-0026

TO: Mayor and  
City Council Members

SUBJECT: Proposed 2005  
Contracted Street Maintenance Program (All Districts)

INITIATED BY: Department of Public Works

AGENDA: Consent

Recommendation: Approve the Contracted Street Maintenance Program

Background: Each year, funding is allocated in the City's budget for contracted repairs and resurfacing of City streets. The Contracted Street Maintenance Programs provide maintenance work including concrete repairs, curb and gutter repairs, bridge repairs, crack repairs, and asphalt surface treatments of city streets. The Street Maintenance budget is the primary funding source for this program.

The 2005 Budget, approved by the City Council in August, provides for the following funding levels for contracted street repairs:

Street Maintenance Budget	
Capital Investment Maintenance Program (General Fund)	762,400
Total Contracted Street Maintenance Program	\$ 5,681,310

Analysis: The City of Wichita is responsible for maintenance of over 1,660 miles of paved streets, and 100 miles of dirt streets. In addition, the City maintains 281 bridges

and 30 pedestrian bridges. The Department of Public Works utilizes a computerized Pavement Management System (PMS) to assess the street conditions throughout the City, and prioritize needed repairs. Staff uses this information, along with citizen input and CIP planning documents, to develop the maintenance programs.

The 2005 program will provide repairs to approximately 9.6 miles of arterial streets and 51.6 miles of residential streets. The arterial street work will focus on concrete repairs, crack repairs, and asphalt resurfacing. Residential street work will consist of concrete repairs, crack repairs, and asphalt resurfacing. Two bridges are also scheduled for bridge deck rehabilitation.

Attached are listings of proposed locations for each City Council District, as well as a City map of locations in the 2005 program. Expenditures are balanced so that funds are equally distributed among the six City Council Districts.

Financial Considerations: The proposed total expenditure for Contracted Street Maintenance Programs is \$5,681,310. Funds have been approved in the 2005 Budget for these programs.

Recommendation/Action: It is recommended that the City Council approve the programs.

### **Agenda Item No. 17**

City of Wichita  
City Council Meeting  
January 4, 2005

Agenda Report No. 05-0027

TO: Mayor and  
City Council Members

SUBJECT: Playground Amenities and Equipment  
Rehabilitation (Districts I,III, & IV)

INITIATED BY: Department of Park and Recreation

AGENDA: Consent

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Recommendation: Approve the vendor and expenditure.

Background: The Park and Recreation Department is in the process of renovating playgrounds and replacing playground equipment across the city of Wichita to enhance

this community resource and address safety concerns associated with current configurations. During the past four years, the City has addressed approximately 61 of the 71 playground sites with some minor improvements to complete playground renovations with funding from the City's Capital Improvement Program, grants, and neighborhood donations. The City has appropriated funding in the amount of \$200,000 in the 2004 and 2005 Park and Recreation CIP.

The City's Request for Proposal (RFP) was developed to select a vendor to design and construct various playground improvements at three park sites. A pre-proposal conference was held on October 29, 2004, to allow all interested companies to view each of the playground sites and ask questions.

Analysis: On November 12, 2004, the City received responses from four firms. The following firms which submitted proposals were Athco, LLC, Cunningham and Associates, Inc., Fry and Associates, Inc, and Riggs Recreation, Inc. The Staff Screening and Selection Committee interviewed Athco, Inc. and Fry and Associates, Inc. The firm Athco, L.L.C. was selected, based on previous experience with similar projects, management capabilities and quality of their product for the playground design and construction of Orchard Park, Herman Hill Park, and the resurfacing of Lincoln Park from sand surfacing to ADA-compliant rubberized surfacing for improved accessibility and maintenance.

Financial Considerations: Funding for these projects is provided by the 2004-2005 Capital Improvement Program in the amount of \$100,000 in each year for a total of \$200,000 in General Obligation Bonds.

Legal Considerations: The Law Department will review and approve the purchase contract as to form.

Recommendation/Action: Approve the recommendation of the Selection Committee for construction of new playgrounds and authorize the necessary signatures.

Agenda Item No. 17

City of Wichita  
City Council Meeting  
January 4, 2005

Agenda Report No. 05-0027

TO: Mayor and  
City Council Members

SUBJECT: Playground Amenities and Equipment  
Rehabilitation (Districts I, III, & IV)

INITIATED BY:

Department of Park and Recreation

AGENDA:

Consent

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Recommendation: Approve the vendor and expenditure.

Background: The Park and Recreation Department is in the process of renovating playgrounds and replacing playground equipment across the city of Wichita to enhance this community resource and address safety concerns associated with current configurations. During the past four years, the City has addressed approximately 61 of the 71 playground sites with some minor improvements to complete playground renovations with funding from the City's Capital Improvement Program, grants, and neighborhood donations. The City has appropriated funding in the amount of \$200,000 in the 2004 and 2005 Park and Recreation CIP.

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Analysis: On November 12, 2004, the City received responses from four firms. The following firms which submitted proposals were Athco, LLC, Cunningham and Associates, Inc., Fry and Associates, Inc, and Riggs Recreation, Inc. The Staff Screening and Selection Committee interviewed Athco, Inc. and Fry and Associates, Inc. The firm Athco, L.L.C. was selected, based on previous experience with similar projects, management capabilities and quality of their product for the playground design and construction of Orchard Park, Herman Hill Park, and the resurfacing of Lincoln Park from sand surfacing to ADA-compliant rubberized surfacing for improved accessibility and maintenance.

Financial Considerations: Funding for these projects is provided by the 2004-2005 Capital Improvement Program in the amount of \$100,000 in each year for a total of \$200,000 in General Obligation Bonds.

Legal Considerations: The Law Department will review and approve the purchase contract as to form.

Recommendation/Action: Approve the recommendation of the Selection Committee for construction of new playgrounds and authorize the necessary signatures.

### **Agenda Item No. 18**

CITY OF WICHITA  
City Council Meeting

January 4, 2005

Agenda Report No. 05-0028

TO: Mayor and  
City Council Members

SUBJECT: Assignment of Lease of Antenna Site at Herman  
Hill Park  
(District III)

INITIATED BY: Office of Property Management

AGENDA: Consent

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Recommendation: Approve the assignment.

Background: In September 2001, the City Council approved a lease with Nordyke Ventrues LLC allowing Nordyke to construct a tower to provide wireless service on an approximately 2,500 square foot portion of Herman Hill Park. Nordyke has requested that they be allowed to transfer their rights and obligations under the lease to Pinnacle Towers Acquisition LLC.

Analysis: The lease agreement provides for assignment upon approval of the City. Upon assignment, Pinnacle will be bound by the same responsibilities and duties as Horizon. The agreement specifies that if Pinnacle should default on the lease, Pinnacles lender will be notified and the lender will take over the lease under the existing terms and conditions.

Financial Considerations: The City revenues from the lease remain unchanged.

Legal Considerations: The Law Department has approved the agreement as to form.

Recommendation/Action: It is recommended that the City Council; Approve the Agreement Regarding Lease and authorize all necessary signatures.

### **Agenda Report No. 19**

CITY OF WICHITA  
CITY COUNCIL MEETING  
January 4, 2005

Agenda Report No. 05-0029

TO:  
City Council

Mayor and

SUBJECT:  
Air Quality Program Grant Contract

Addendum to

INITIATED BY: Environmental Health Department

AGENDA: Consent

RECOMMENDATION: Approve the Addendum to the grant contract.

BACKGROUND: Environmental Health (EH) receives grant funding annually from the U.S. Environmental Protection Agency (EPA) and the Kansas Department of Health and Environment (KDHE) to operate a local air quality program. In the 1970's, the EH recognized that significant numbers of local citizens were experiencing health effects associated with exposure to mold, radon, carbon monoxide, sewer gas, and other indoor air contaminants. In response to this, an Indoor Air Quality program was developed locally to address this need. Recently, the State of Kansas through KDHE established an Indoor Air Quality program. Since this City program is well recognized, KDHE requested that EH staff train KDHE staff to respond to citizen requests that are being received from many areas across the state.

ANALYSIS:

Public health will be better served throughout the state if reputable training is provided to KDHE staff for response to indoor air quality concerns. KDHE staff will receive instructions and will observe and accompany EH staff during actual inspections. Services to the citizens of Wichita and Sedgwick County will not be adversely impacted during the training period.

FINANCIAL CONSIDERATIONS:

KDHE will provide \$10,000 in funding to supplement current grant funds for FY 2005 for the training provided by EH. The additional funding will help fill a budget shortfall in the Air Quality Program grants for fiscal year (2005). KDHE requires EH to provide a 40% match (\$6,667) which can be met by IT charges and soft labor hours already supported by 2005 general funds for the air quality program.

LEGAL CONSIDERATIONS:

The Law Department has approved the contract addendum as to form.

RECOMMENDATIONS/ACTION:

Approve the addendum to the grant contract, authorize necessary signatures and authorize receipt of funds.

## **Agenda Item #20**

City of Wichita  
City Council Meeting

January 4, 2005

Agenda Report No. 05-0030

TO:  
City Council Members

Mayor and

SUBJECT:  
Removal of Dangerous & Unsafe Structures

Repair or

Council

District I

INITIATED BY: Office of Central Inspection

AGENDA: Consent

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Recommendations: Adopt the resolutions.

Background: On December 6, 2004 the Board of Code Standards (BCSA) held a hearing on the following three (3) properties. These properties are considered dangerous and unsafe structures, and are being presented to schedule a condemnation hearing before the Governing Body.

Analysis: Improvement notices have been issued on these structures, however, compliance has not been achieved. Pre-condemnation and formal condemnation letters were issued and the time granted has expired. No action has been taken to repair or remove these properties.

Property Address

- a. 1443 South Water
- b. 1445 South Water
- c. 640 North Old Manor

Legal Considerations: These structures have defects that under Ordinance No. 28-251 of the Code of the City of Wichita, shall cause them to be deemed as dangerous and unsafe buildings, as required by State Statute for condemnation consideration.

Recommendations/Actions: Adopt the attached resolutions to schedule a hearing and

place these matters on the agenda for a Hearing before the Governing Body on February 15, 2005 at 9:30 a.m. or as soon thereafter.

**Agenda Item #21a**

City of Wichita  
City Council Meeting  
January 4, 2005

Agenda Report No. 05-0031

TO: Mayor and  
City Council

SUBJECT: Resolution Authorizing Section 5307 Grant from  
Federal Transportation Administration (FTA) (All Districts)

INITIATED BY: Wichita Transit

AGENDA: Consent  
Agenda

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Recommendation: Approve Resolution authorizing filing of grant application.

Background: The Federal Transportation Administration (FTA) grant application process requires a resolution by the governing body authorizing Staff to file grant applications to receive funds and administer the grant's program. The purpose of this Resolution is to authorize Staff to file for eligible federal funds for the support of the City's transit services for CY 2005 capital purchases and transit operation (pursuant to Section 5307 Urbanized Area Formula Annual Apportionment). The authorized total federal apportionment for FY 2005 is estimated at \$4,200,000. An opportunity will be provided for a public hearing and other public input on December 28, 2004. Section 5307 is an 80% federal, 20% local match program.

Analysis: The proposed Resolution authorizes funding to support the following:

- safety and security programs;
- facility improvements and renovations;
- maintenance, including personnel costs, vehicle overhauls, parts and equipment;

- Special Services, including ADA operating expenses, and purchased services;
- planning and training activities, including a new internship program;
- new pass through funding for urbanized area operators (Sedgwick and Butler Co.'s, etc.)
- capital support for the purchase of an AVL/MDT system, as well as replacement buses.

Financial Considerations: Total grant budget is \$5,217,120; eighty percent federal share is \$4,173,696. The local share will be split between the City of Wichita (\$636,174), KDOT (\$360,000), and other local, non-City of Wichita, funds (\$47,250).

Legal Consideration: The City's Law Department has reviewed and approved the Resolution as to form.

Recommendations/Actions: It is recommended that the City Council approve the Resolution and authorize the necessary signatures.

### **Agenda Item No. 21b**

City of Wichita  
City Council Meeting  
January 4, 2005

Agenda Report No. 05-0032

TO: Mayor and City Council Members

SUBJECT: Correcting Resolution: Storm Water Sewer for  
Reed's Cove Addition (East of 127th St. East, South of 21st) (District II)

INITIATED BY: Department of Public Works

AGENDA: Consent

Recommendation: Adopt the Resolution.

Background: On July 15, 2003, the City Council approved a petition to construct a Storm Water Sewer in Reed's Cove Addition. It has since been determined that there are errors in the description of the improvement district.

Analysis: A Resolution has been prepared to correct the error.

Financial Considerations: There is no impact on the project budget.

Legal Considerations: State Statutes provide the City Council the authority to modify a drainage improvement district error by resolution.

Recommendation/Action: It is recommended that the City Council adopt the Resolution.

### **Agenda Item No. 21c**

City of Wichita  
City Council Meeting  
January 4, 2005

Agenda Report No. 05-0033

TO: Mayor and City Council Members

SUBJECT: Sanitary Sewer Main to serve an area generally  
bounded by 29th Street North, Hoover, K-96, and Tyler (District V)

INITIATED BY: Department of Public Works

AGENDA: Consent

Recommendation: Adopt the Resolution.

Background: On May 20, 2003, the City Council approved a project to extend a sanitary sewer main to serve an area generally bounded by 29th Street North, Hoover, K-96, and Tyler. Part of the cost was assessed to an improvement district. On September 9, 2003, the City Council modified the improvement district to include additional land that has been annexed. The Resolution that was adopted at that time needs to be updated to reflect recent platting activity.

Analysis: The sewer main will connect to an existing line near 29th Street North and Ridge Road, extend north to 37th Street North, then branch west and east along 37th Street North.

Financial Considerations: The budget is unchanged.

Legal Considerations: State Statutes provide the City Council the authority to modify an

improvement district by Resolution.

Recommendation/Action: It is recommended that the City Council adopt the Resolution.

### **Agenda Item No. 23**

City of Wichita  
City Council Meeting

Agenda Report No. 04-1205 A

January 4, 2005

TO: Mayor and City Council Members

SUBJECT: Change Order: Rock Road Improvement, between  
21st and 29th (District II)

INITIATED BY: Department of Public Works

AGENDA: Unfinished Business

Recommendation: Approve the Change Order.

Background: On December 14, 2004, the City Council considered a change order for additional work on the Rock Road improvement project, between 21st and 29th. Action was deferred until the January 4th, 2005 meeting in order to receive additional information about the landscaping of medians.

Analysis: A part of the improvement is the installation of new sidewalk, and restoration of the right of way. Due to the crowded nature of the utility corridor, the amount of 4' wide sidewalk that was removed and replaced with 5' wide sidewalk was more than originally planned. Also, more of the privately maintained irrigation systems and landscaping was disturbed. Top soil was added to support new planting material. A small amount of retaining wall was needed to match existing retaining wall built with a previous project. The amount of thermal crack repair was in excess of the amount expected during the design process. Fescue Sod has been removed from this change order and will be included later, if necessary, in a separate change order

Financial Considerations: The cost of the additional work is \$44,249.42, with the total paid by a combination of City-at-Large (\$8,850) and Federal Grants administered by the Kansas Department of Transportation (\$35,399.42). The original contract is \$1,455,771.

This Change Order plus previous Change Orders represent 8.3% of the original contract amount.

Legal Considerations: The Law Department has approved the Change Order as to legal form. The Change Order amount is within 25% of the construction contract cost limit set by the City Council policy.

Recommendation/Action: It is recommended that the City Council approve the Change Order and authorize the necessary signatures.

November 2, 2004  
PUBLIC WORKS-ENGINEERING CHANGE ORDER  
To: Cornejo & Sons, Inc. Project: Rock Rd. from 21st N. to 29th N.  
Change Order No.: 4 Project No.: 87N-0197-01 / 472-83889  
Purchase Order No.: 400706 OCA No.: 706874  
CHARGE TO OCA No.: 706874 PPN: 204340  
Please perform the following extra work at a cost not to exceed \$44,249.42  
Over-Run:  
19 - Retaining Wall 7.47 m @ \$151.00 / m = \$1,127.97  
Add:  
4" Conc. median surfacing (Northpark Apts.) 1 LS @ \$153.00 = \$153.00  
Irrigation repairs for new sidewalk 1 LS @ \$23,897.50 = \$23,897.50  
Top Soil for Medians 455 CM @ \$32.00 = \$14,560.00  
Thermal Crack Repair 106.14 sm @ \$42.50 = \$4,510.95  
  
TOTAL \$44,249.42

Recommended By:	Approved:	
_____	_____	
Larry Schaller, P.E.	Date	Jim Armour,
P.E. Date		
Construction Engineer	Acting City Engineer	
Approved:	Approved:	
_____	_____	
Contractor	Date	Chris Carrier,
P.E. Date		
Acting Director of Public Works		

Approved as to Form: By Order of the City Council:

\_\_\_\_\_  
Gary Rebenstorf  
Mayans  
Director of Law

\_\_\_\_\_  
Date  
Date  
Mayor

Carlos

Approved:

Attest: \_\_\_\_\_

\_\_\_\_\_  
KDOT Metro Engineer

\_\_\_\_\_  
Date

City Clerk

### **Agenda Item #24**

City of Wichita  
City Council Meeting  
January 4, 2005

Agenda Report No. 05-0034

TO: Mayor and City Council Members

SUBJECT: Appeal the Denial by Engineering staff for a  
Minor Street Privilege Permit for the property at 805 N. Bracken (District II)

INITIATED BY: Department of Public Works

AGENDA: New Business

Recommendation: Take appropriate action.

Background: On July 29, 2003, the City Engineer mailed John Miller a letter informing him that part of the fence recently installed on property at 805 N. Bracken was installed on public property and needed to be moved. On the same day, the City Engineer mailed a letter to Mohammad Shinwari with 21st Century Fence & Landscaping, who had performed the work for Mr. Miller, informing him that the fence needed to be moved off of public property. Soon afterwards Mohammad Shinwari called the City Engineer's office to request a waiver of City Code that would allow the fence to remain on public property. On August 11, 2003, the City Engineer mailed Mr. Shinwari a letter to let him know that his request had been denied because there were no unusual circumstances that would warrant a waiver.

On March 1, 2004, Steve Brave, Attorney for Mr. Shinwari, called the City Engineer's office and asked for a minor street privilege permit that would allow the fence to remain on public property. On March 5, 2004, the City Engineer mailed Mr. Brave a letter to let him know his request for a minor street privilege permit had been denied on the basis that there were no unusual circumstances that would warrant issuance of a permit. The fence was not moved by October 12, 2004, so the City Engineer mailed Mr. Miller a final notice to move the fence off of public property.

Analysis: City Code Section 10.04.130 which states; "It is unlawful for any person to obstruct any street, alley, public area, public right-of-way or sidewalk in the City by piling, placing or maintaining thereon any filth or litter or any goods, wares or merchandise or by placing or erecting any buildings or fence thereon or by placing any benches or seats for public use thereon." Public Works believes they are in violation of this section of City Code.

The fence was installed ten feet from the curb. The line between private property and public right-of-way is approximately 14 to 15 feet from the curb in this location. Water Department records indicate that the fence encroachment is approximately one foot from an eight inch water main which supplies the area.

Attached is an appeal letter from Mr. Brave and a memo from the City Engineer.

Financial Considerations: None.

Legal Considerations: Decisions by the City Engineer either granting or refusing to grant a minor street privilege permit may be appealed in writing to the City Council by the party adversely affected.

Recommendation/Action: It is recommended that the City Council take the appropriate action.

## **Agenda Item # 25**

City of Wichita  
City Council Meeting  
January 4, 2005

Agenda Report No. 05-0035

TO:  
City Council Members

Mayor and

SUBJECT: DR 2004-13 -- Proposed Amendments to the

Wichita-Sedgwick County Subdivision Regulations.

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning (Consent)

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Staff Recommendation: Approve the amendments.

MAPC Recommendation: Approve amendments. (12-1)

The negative votes reflect the concern a Commissioner had regarding the amendment being inconsistent with the Comprehensive Plan.

Background: The “Lot Bundling” provisions (Sec. 7-204(C)) apply in areas identified on the Comprehensive Plan as “2010 Urban Service Area” and “2030 Urban Service Area”. Proposed subdivisions in these areas must be designed so they may be readily converted to urban-type building sites without replatting. The developer must plat smaller lots and tie them together by a covenant that creates a “bundle of lots” for an area sufficient for an on-site sewage system. The covenant limits each bundle of lots to one dwelling unit until municipal water and sewer service is available.

Problems have arisen regarding development within these smaller lots, as these plats typically contain contingent street rights-of-way limiting placement of structures. Also, difficulties have occurred in preparing a drainage plan that is compatible with one designed for the ultimate development. To alleviate this situation, the attached amendment is proposed to allow the Lot Bundling provisions to be optional as opposed to mandatory.

The Subdivision Committee reviewed the proposed amendments on October 28, 2004. Prior to MAPC’s review, the amendments were reviewed by both the City and County Legal Department. The MAPC held a public hearing on December 9, 2004, and voted to recommend approval of the amendments as proposed by staff (proposed amendment attached).

Legal Considerations: The amendments to the Wichita-Sedgwick County Subdivision Regulations will affect properties both inside the city limits and in the unincorporated area of Sedgwick County. Both the City Council and the Sedgwick County Commission will need to approve the amendments in order for them to be in full effect.

Legal Departments for both the City and the County have reviewed the amendments and approved the form for the respective adopting Ordinance and Resolution.

Recommendations/Action: Approve the amendments to the Wichita-Sedgwick County Subdivision Regulations as recommended by the Metropolitan Area Planning

Commission, and approve first reading of the Ordinance.

## **Agenda Item #26**

City of Wichita  
City Council Meeting  
January 4, 2005

Agenda Report No. 05-0036

TO: Mayor and City Council Members

SUBJECT: SUB 2004-18 -- Plat of South Harbor Addition,  
Located North of 42nd Street North and West of Seneca. (District VI)

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning (Consent)

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Staff Recommendation: Approve the plat.

MAPC Recommendation: Approve the plat. (11-0)

Background: This site, consisting of 80 lots on 60.57 acres, and is zoned SF-20, Single-family Residential District. This case is on the same agenda to be annexed into Wichita's city limits. Upon annexation, this site will be zoned SF-5, Single Family Residential District.

Analysis: Petitions, all 100 percent, and a Certificate of Petitions have been submitted for sewer, water, paving and drainage improvements. For those reserves being platted for drainage purposes, a Restrictive Covenant has been submitted allowing the establishment of a homeowners' association to provide for the ownership and maintenance of the reserves. The Covenant also provides four off-street parking spaces per dwelling unit on each lot that abuts a 58-foot street. As requested by the City's Fire Department, a Temporary Cul-de-sac Dedication has been provided.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within 30 days.

Legal Considerations: The Certificate of Petitions, Restrictive Covenant and Temporary Cul-de-sac Dedication will be recorded with the Register of Deeds.

Recommendations/Actions: Approve the documents and plat, authorize the necessary signatures and adopt the Resolutions.

## **Agenda Item #27**

City of Wichita  
City Council Meeting  
January 4, 2005

Agenda Report No. 05-0037

TO: Mayor and City Council Members

SUBJECT: SUB 2004-62 -- Plat of Tyler's Landing  
Commercial Addition, Located on the Southeast Corner of 37th Street North and Tyler  
Road. (District V)

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning (Consent)

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Staff Recommendation: Approve the plat.

MAPC Recommendation: Approve the plat. (12-0)

Background: This site, consisting of seven lots on 10.07 acres, is located within Wichita's city limits.

A zone change (ZON 2003-44) from SF-5, Single-Family Residential District to LC, Limited Commercial District has been approved. The site is subject to the provisions of the Tyler's Landing Commercial Plaza Community Unit Plan (CUP 2003-48; DP-267). A CUP Certificate has been submitted.

Analysis: Petitions, all 100 percent, and a Certificate of Petitions have been submitted for sewer, paving, left-turn lane and traffic signalization improvements. As requested by City Engineering, an off-site Drainage Easement and an off-site Utility Easement was submitted. In accordance with the CUP approval, a Cross-lot Circulation Agreement was submitted to assure internal vehicular movement between the lots. A Joint Access Easement has also been provided.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within 30 days. Publication of the Ordinance should be withheld until the plat is recorded with the Register of Deeds.

Legal Considerations: The CUP Certificate, Certificate of Petitions, off-site Drainage Easement, off-site Utility Easement, Cross-lot Circulation Agreement and Restrictive Covenant will be recorded with the Register of Deeds.

Recommendations/Actions: Approve the Documents and Plat; authorize the necessary signatures; adopt the Resolutions; and approve first reading of the Ordinance.

### **Agenda Item #28**

City of Wichita  
City Council Meeting  
January 4, 2005

Agenda Report No. 05-0038

TO: Mayor and City Council Members

SUBJECT: SUB 2004-63 -- Plat of Haag Industrial Park  
Second Addition, Located South of 31st Street South and on the West Side of Ridge  
Road. (District IV)

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning (Consent)

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Staff Recommendation: Approve the plat.

MAPC Recommendation: Approve the plat. (13-0)

Background: This site, consisting of two lots on 54.62 acres, is a replat of Haag Industrial Park Addition and is zoned LI, Limited Industrial District. The site is subject to a Protective Overlay (P-O #85) addressing permitted uses. A Protective Overlay Certificate was submitted identifying the approved Protective Overlay and the conditions for development on this property.

Analysis: Petitions, all 100 percent, and a Certificate of Petitions have been submitted for sewer, water, and left and right-turn lane improvements. At the request of City Engineering, an Off-site Drainage Easement has been submitted. A Restrictive Covenant was submitted allowing the establishment of a lot owners' association to provide for the ownership and maintenance of the reserves. This site is within the noise impact area of

Wichita Mid-Continent Airport; therefore, an Avigational Easement and Restrictive Covenant were submitted.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within 30 days.

Legal Considerations: The Protective Overlay Certificate, Certificate of Petitions, Off-site Drainage Easement, Avigational Easement and Restrictive Covenants will be recorded with the Register of Deeds.

Recommendations/Actions: Approve the documents and plat, authorize the necessary signatures and adopt the Resolutions.

## **Agenda Item #29**

City of Wichita  
City Council Meeting  
January 4, 2005

Agenda Report No. 05-0039

TO: Mayor and City Council Members

SUBJECT: SUB 2004-96 -- Plat of Cedar Lane Estates Addition, Located South of 13th Street North and East of 143rd Street East.

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning (Consent)

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Staff Recommendation: Approve the plat.

MAPC Recommendation: Approve the plat. (11-0)

Background: This unplatted site, consisting of three lots on 4.22 acres, is located with three miles of Wichita's city limits and is zoned SF-5, Single-Family Residential District.

Analysis: Petitions, all 100 percent, and a Certificate of Petitions have been submitted for water and sewer improvements. A guarantee for the extension of sanitary sewer and City water to serve the lots being platted was required; therefore, the applicant submitted an Outside-the-City Water Agreement. For those reserves being platted for drainage

purposes, a Restrictive Covenant was submitted to provide for the ownership and maintenance of the reserves.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within 30 days.

Legal Considerations: The Certificate of Petitions, Outside-the-City Water Agreement and Restrictive Covenant will be recorded with the Register of Deeds.

Recommendations/Actions: It is recommended that the City Council approve the documents and plat, authorize the necessary signatures and adopt the Resolutions.

### **Agenda Item 30**

City of Wichita  
City Council Meeting  
January 4, 2005

Agenda Report No. 05-0040

TO: Mayor and City Council Members

SUBJECT: SUB 2004-125 -- Plat of Prairie Pond Plaza Addition, Located on the Northeast Corner of Kellogg and 143rd Street East. (District II)

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning (Consent)

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Staff Recommendation: Approve the plat.

MAPC Recommendation: Approve the plat. (9-0)

Background: This site, consisting of six lots on 16.91 acres, is located within Wichita's city limits. A zone change (ZON 2003-74) from SF-5, Single-family Residential District to LC, Limited Commercial District has been approved. This site is subject to the provisions of the Prairie Pond Plaza Community Unit Plan (CUP 2003-65; DP-273). A Community Unit Plan Certificate (CUP) has been submitted.

Analysis: Petitions, all 100 percent, and a Certificate of Petitions have been submitted for sewer, water, paving and traffic signalization improvements. In accordance with the

CUP approval, a Cross-lot Circulation Agreement to assure internal vehicular movement between the lots has also been submitted. A Restrictive Covenant allowing the establishment of a lot owners' association to provide for the ownership and maintenance of the proposed reserves has also been submitted.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within 30 days. Publication of the Ordinance should be withheld until the Plat is recorded with the Register of Deeds.

Legal Considerations: The CUP Certificate, Certificate of Petitions, Cross-lot Access Agreement and Restrictive Covenant will be recorded with the Register of Deeds.

Recommendations/Actions: Approve the documents and plat; authorize the necessary signatures; adopt the Resolutions and approve first reading of the Ordinance.

### **Agenda Item #31**

City of Wichita  
City Council Meeting  
January 4, 2005

Agenda Report No. 05-0041

TO: Mayor and City Council Members

SUBJECT: SUB 2004-126 -- Plat of North Star Second Addition, Located on the East Side of West Street and North of Maple. (District VI)

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning (Consent)

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Staff Recommendation: Approve the plat.

MAPC Recommendation: Approve the plat. (12-0)

Background: This site, consisting of three lots on 1.88 acres, is located within Wichita's city limits. A portion of the site has been approved for a zone change (ZON 2003-45) from SF-5, Single-family Residential District and B, Multi-family Residential District to LC, Limited Commercial District.

Analysis: Municipal services are available to serve the site. A Restrictive Covenant was submitted to guarantee the closure of the south opening upon redevelopment of the site. An Access Easement for the benefit of lot three has also been submitted.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within 30 days. Publication of the Ordinance should be withheld until the Plat is recorded with the Register of Deeds.

Legal Considerations: The Restrictive Covenant and Access Easement will be recorded with the Register of Deeds.

Recommendations/Actions: Approve the documents and plat; authorize the necessary signatures and approve first reading of the Ordinance.

### **Agenda Item #32**

City of Wichita  
City Council Meeting  
January 4, 2005

Agenda Report No. 05-0042

TO: Mayor and City Council Members

SUBJECT: DED 2004-31 and 32 -- Dedication of Utility Easements for Property Located South of Kellogg and East of Ridge Road. (District IV)

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning (Consent)

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MAPC Recommendation: Accept the Dedications. (10-3)

The negative votes reflect the concern of those Commissioners regarding the dedication of additional utility easements.

Background: These Dedications are a requirement of Lot Split Case No. SUB 2004-100 and are being submitted for an additional two-feet of utility easements.

Analysis: The Dedications have been reviewed and approved by the Planning Commission.

Financial Consideration: None.

Legal Consideration: The Dedications will be recorded with the Register of Deeds.

Recommendations/Actions: It is recommended that the City Council accept the Dedications.

### **Agenda Item #33**

City of Wichita  
City Council Meeting  
January 4, 2005

Agenda Report No. 05-0043

TO: Mayor and City Council Members

SUBJECT: CUP2003-15, CUP2003-16, ZON2003-16, & ZON2003-18 – Extension of time to complete the platting requirement for DP-264 Louis Development Residential and Commercial Community Unit Plan (CUP) and a zone change from “SF-5” Single Family to “LC” Limited Commercial. Generally located north of 13th Street North and east of 135th Street West. (District V)

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning (Consent)

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Staff Recommendation: Approve six-month extension of time to complete platting.

Background: On June 3, 2003, the City Council approved the creation of DP-264 Louis Development Residential and Commercial CUP and a zone change from “SF-5” Single-Family Residential to “LC” Limited Commercial on approximately 20 acres generally located north of 13th Street North and east of 135th Street West. Approval of

the request was subject to the condition of platting the property within one year. A six-month extension of time to complete platting subsequently was granted by staff to allow additional time to prepare the required plat. A plat for the property was approved by the Metropolitan Area Planning Commission (MAPC) on July 29, 2004. The extended platting deadline was December 3, 2004; however, the applicant indicates in the attached letter from their agent that additional time is needed to address some deed description problems with the owners and the title company. Therefore, the applicant has requested an additional six-month extension of time to complete platting. Such an extension of time to complete platting requires City Council approval.

Analysis: Staff recommends that an extension of time to complete platting requirements be granted to June 3, 2005. The City Council may deny the request for an extension of time to complete platting. Denying the extension would declare the CUP and zone change null and void and would require reapplication and rehearing if the property owner still desired a CUP and zone change.

Financial Considerations: None.

Legal Considerations: No legal documents are required to enact the granting of the platting extension. The granting of a platting extension is indicated via letter to the applicant noting the extended platting deadline as granted by the City Council.

Recommendations/Actions: Approve extension of time to complete platting to June 3, 2005.

## Agenda Item No. 34

### **City of Wichita City Council Meeting January 4, 2005**

#### **Agenda Report No. 05-0044**

**TO:** Mayor and City Council

**SUBJECT:** VAC2004-00022 Request to vacate a portion of a platted temporary drainage easement generally located southwest of the 151<sup>st</sup> Street West - Central Avenue intersection, more specifically located southeast of the Shade Street - Reece Road intersection.  
(District III Sedgwick County – within the 3-mile ring subdivision jurisdiction of the City of Wichita)

**INITIATED BY:** Metropolitan Area Planning Department

**AGENDA:** Planning (Consent)

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**Staff Recommendation:** Approve.

**MAPC Recommendation:** Approve. (Unanimously)

**Background:** The applicant is requesting consideration for the vacation of the 35-foot temporary platted drainage as described in the Legal Description. The Martin Estates Addition was recorded with the Register of Deeds October 7, 2003.

**Analysis:** The applicant proposes the vacation of the easement to allow more room for development on Lots 12, 13, 14, 17 & 18, Block 2, "Bundle B", Martin Estates Addition. The applicant has provided an exhibit that shows the location of a proposed replacement easement. As stated in the plat's text "temporary drainage easements shall expire when an urban scale drainage plan has been approved by the City Engineer and the existing terraces have been removed." The County Public Works Engineer considers the vacation necessary, because the applicant proposes replacing a portion of the entire easement. The County Engineer has reviewed and approved the drainage plan. The County Engineer has accepted a replacement easement. The City Engineer concurs with the County Engineer's recommendation. There are no sewer or water lines in the platted temporary drainage easement. The Martin Estates Addition is a "Bundled" Subdivision, which is intended to provide urban size lots in the County when water and sewer are available.

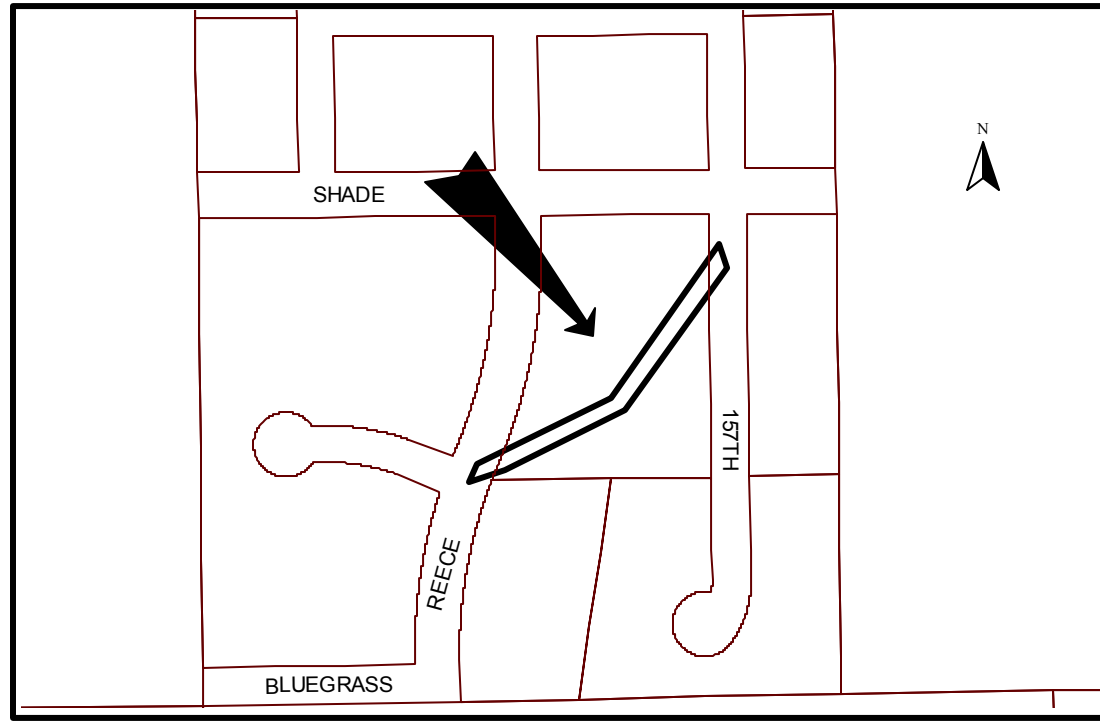
The MAPC voted to approve (11-0) the vacation request for approval. No one spoke in opposition to this request at the MAPC's advertised public hearing and its Subdivision Committee meeting. No written protests have been filed.

Because this vacation cases is located in Sedgwick County, but within the City of Wichita's 3 mile-ring subdivision jurisdiction, consideration and approval by the Wichita City Council and consideration and final action by the Sedgwick County Board of County Commissioners is required

**Financial Considerations:** None

**Legal Considerations:** A certified copy of the Vacation Order will be recorded with the Register of Deeds.

**Recommendation/Actions:** Follow the recommendation of the Metropolitan Area Planning Commission and approve the Vacation Order, and authorize the necessary signatures.



### **Agenda Item No. 35**

City of Wichita  
City Council Meeting  
January 4, 2005

Agenda Report No. 05-0045

TO: Mayor and City Council

SUBJECT: VAC2004-00048 Request to vacate a portion of platted access control, street right-of-way and setbacks located at the intersection of Webb Road and 43rd Circle North.

(District II)

INITIATED BY: Metropolitan Area Planning Department

AGENDA: Planning (Consent)

Staff Recommendation: Approve.

MAPC Recommendation: Approve. (Unanimously)

Background: The applicants are requesting consideration to vacate what is generally described as a portion of the platted 43rd Circle North ROW, platted access control (all in the Sand Plum Addition) and the platted 20-foot setbacks on Lots 1 – 6, Block 2 and Lots 1 & 2, Block 1, all in the Sand Plum Addition. The Sand Plum Addition was recorded with the Register of Deeds May 26, 2004.

Analysis: The vacation request is associated with a zone change request (ZON2004-5 was considered and approved by the Wichita City Counsel at their December 15, 2004 meeting) on Lots 1 & 2, Block 1, Sand Plum Addition. The zone change turned the two lots current “LI” Limited Industrial zoning to “SF-5” Single-family Residential zoning, which matches the rest of the Sand Plum Addition’s “SF-5” zoning. That portion of the platted ROW along the two lots (and Lots 1-6, Block 2, Sand Plum Addition) that were zoned “LI” is 70-feet (per the Subdivision Regulations for industrial street ROWs) in contrast to the rest of the plat’s 58-foot street ROW (per the Subdivision Regulations for a local residential street ROW). The vacation will reduce the 70-foot ROW to 58-feet for a local residential street for the length of 43rd Circle North. The vacation of access control along the 43rd Circle North - Webb Road intersection will allow 43rd Circle North to line up with 43rd Street North, which is east of the site across Webb Road. Vacating the platted setbacks will allow the setbacks to move with the vacated portion of the 43rd Circle North ROW, reflecting the new property lines along this frontage. There are no water or sewer lines in the areas proposed for vacation. There is also a lot split case associated with this subdivision that will divide Lots 1 & 2, Block 1, Sand Plum Addition into 5 lots.

The MAPC voted to approve (9-0) the vacation request. No one spoke in opposition to this request at the MAPC’s advertised public hearing and its Subdivision Committee meeting. No written protests have been filed.

Financial Considerations: None

Legal Considerations: A certified copy of the Vacation Order and dedications by separate instruments for street right-of-way and access control and a restrictive covenant establishing 20-foot setbacks will be recorded with the Register of Deeds.

Recommendation/Actions: Follow the recommendation of the Metropolitan Area Planning Commission and approve the Vacation Order, and authorize the necessary signatures.

### **Agenda Item No. 36**

City of Wichita  
City Council Meeting  
January 4, 2005

Agenda Report No. 05-0046

TO: Mayor and City Council Members

SUBJECT: A05-01 Request by Kansas Bait and Tackle to annex lands generally located southwest of the intersection of K-96 and Ridge Road  
(District V)

INITIATED BY: Metropolitan Area Planning Department

AGENDA: Planning (Consent)

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Recommendation: Place the annexation ordinance on first reading.

Background: The City has received a request to annex 56.8 acres of land generally located southwest of the intersection of Ridge Road and K-96. The annexation area abuts the City of Wichita to the south and west of the property. The property owner proposes to develop the proposed annexation area as commercial.

Analysis:

Land Use and Zoning: The proposed annexation area is currently vacant and zoned "SF-20" Single-Family, annexation will not change the zoning of the property. The properties to the north and east of the proposed annexation are zoned "SF-20" Single-Family and are vacant. The property owner intends to rezone the proposed annexation area as "LC" Limited Commercial and "GO" General Office.

Public Services: As a condition of platting, all lots in the plat will need to be guaranteed water and sewer service. The nearest connection to water and sewer is available from the intersection of 37th North and Ridge Road.

Street System: The subject property fronts on Ridge Road, currently a four lane paved city road with access to K-96. Neither the City of Wichita Capital Improvement Program 2004-2013 draft, Sedgwick County Transportation Improvement Program 2004-2008, or the Sedgwick County Capital Improvement Program 2004-2008 call for improvements to Ridge Road.

Public Safety: Fire services to this site can be provided by the City of Wichita within a five (5) to six (6) minute approximate response time from City Station No. 13 located at 3162 W. 42nd. Upon annexation, police protection will be provided to the area by the Patrol West Bureau of the Wichita Police Department, headquartered at 661 N. Elder.

Parks: Sedgwick County Park, a 645 acre park, is located 2.5 miles directly south of the proposed annexation site. A greenway is proposed along the Arkansas River,

approximately 2.5 miles to the east of the proposed annexation area, in the 1996 Parks and Open Space Master Plan.

School District: The annexation property is part of the Unified School District 266 (Maize School District). Annexation will not change the school district.

Comprehensive Plan: The proposed annexation is consistent with current amendments to the Wichita-Sedgwick County Comprehensive Plan. The annexation property falls within the 2010 Wichita Urban Service Area as shown in the Plan.

Financial Considerations: The current approximate appraised value of the proposed annexation, according to County records, is \$201,390 with a total assessed value of \$24,167. Using the current City levy ( $\$31.406/\$1000 \times$  assessed valuation), this roughly yields \$759 in City annual tax revenues for the property. The future assessed value of this property will depend on the type and timing of any other developments on the proposed annexation property, and the current mill levy. However, the property owner estimates a developed total value of \$25,978,000 with a total assessed value of \$6,494,500. Using the current City levy ( $\$31.406/\$1000 \times$  assessed valuation), this roughly yields \$203,966 in future annual City tax revenues for the property.

Legal Considerations: The property is eligible for annexation under K.S.A. 12-519, et seq.

Recommendations/Actions: Approve the annexation request and first reading of the Ordinance.

### **Agenda Item No. 37**

City of Wichita  
City Council Meeting  
January 4, 2005

Agenda Report No. 05-0047

TO: Mayor and City Council Members

SUBJECT: A05-02 Harbor Properties, LLC and South Harbor, LLC to annex property generally located northeast of the intersection of Amidon and K-96 (District VI)

INITIATED BY: Metropolitan Area Planning Department

AGENDA: Planning (Consent)

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Recommendation: Place the annexation ordinance on first reading.

Background: The City has received a request to annex 32.75 acres of land generally located northeast of the intersection of Amidon and K-96. The annexation area abuts the City of Wichita to the north, east, south, and west of the property. The property owner proposes to develop the property and adjoining lands to the north and west as 80 single-family residences.

Analysis:

Land Use and Zoning: The proposed annexation consists of 32.75 acres of vacant property zoned "SF-20" Single-Family, annexation will not change the zoning of the property. The properties to the north and west of the proposed annexation are zoned "SF-5" Single-Family and are vacant. To the east of the proposed annexation are properties zoned "LC" Limited Commercial and "SF-5" Single Family, and developed as a radio station and vocational school respectively. The property to the south is zoned "GC" General Commercial and is developed as a church recreational facility.

Public Services: The nearest connections to water and sewer service are available north of the proposed annexation from Driftwood Street, or south across the south side of I-235.

Street System: The subject property currently has access to public streets, private dirt roads that connect it and the adjoining properties to the north and west to Meridian. After development of the proposed subdivision, the proposed annexation will have access to Meridian via an internal paved street system that will connect it and the properties to the north and west to Meridian. Meridian is currently a paved five lane arterial. Neither the City of Wichita Capital Improvement Program 2004-2013 draft, Sedgwick County Transportation Improvement Program 2004-2008, or the Sedgwick County Capital Improvement Program 2004-2008 call for improvements to Meridian near the proposed annexation.

Public Safety: Fire services to this site can be provided by the City of Wichita within a three (3) to four (4) minute approximate response time from City Station No. 13 located at 3162 W. 42nd. Upon annexation, police protection will be provided to the area by the Patrol North Bureau of the Wichita Police Department, headquartered at 3015 E. 21st Street North.

Parks: Hellers Park, a 21.15 acre park, is located .64 miles directly east of the proposed annexation site. A pathway is proposed along the Little Arkansas River, approximately half a mile to the east of the proposed annexation area, in the 1996 Parks and Open Space Master Plan.

School District: The annexation property is part of the Unified School District 259 (Wichita School District). Annexation will not change the school district.

Comprehensive Plan: The proposed annexation is consistent with current amendments to the Wichita-Sedgwick County Comprehensive Plan. The annexation property falls within the 2010 Wichita Urban Service Area as shown in the Plan.

Financial Considerations: The current approximate appraised value of the proposed annexation, according to County records, is \$2,170 with a total assessed value of \$250. Using the current City levy (\$31.406/\$1000 x assessed valuation), this roughly yields \$8 in City annual tax revenues for the property. The future assessed value of this property will depend on the type and timing of any other developments on the proposed annexation property, and the current mill levy. Although the property owner has disclosed an intention to develop the proposed annexation area as residential lots, no final estimates of total value after development are currently available

Legal Considerations: The property is eligible for annexation under K.S.A. 12-519, et seq.

Recommendations/Actions: Approve the annexation request and first reading of the Ordinance.

### **Agenda Item #39**

City of Wichita  
City Council Meeting  
January 4, 2005

Agenda Report No. 05-0048

TO: Mayor and City Council

SUBJECT: Reconsideration of Industrial Revenue Bond Property Tax  
Abatement (Genesis Health Clubs) (District V & VI)

INITIATED BY:

AGENDA: Council Agenda

RECOMMENDATION: Set public hearing for January 11, 2005.

BACKGROUND: On July 13, 2004 the City Council approved the issuance of a one-year letter of intent for industrial revenue bonds ("IRBs") for Genesis Health Clubs ("Genesis") in an amount not to exceed \$11,850,000. Bond proceeds are to be used to finance the cost of acquiring, constructing and equipping two new health club facilities in west Wichita, one at 3725 W. 13th and one at the northwest corner of 29th Street North

& Maize Road, and to expand its existing health club at 854 N. Socora. Genesis has committed to add 100 new employees to its Wichita workforce within ten years. On December 7, 2004, after reconsideration, the City Council voted to re-approve the IRB letter of intent.

The City Council also granted a 50% five-year tax exemption on bond-financed property, plus a second five-year exemption upon City Council review and approval. However, at the time, staff failed to give proper notice to the public and the Maize School District that it would consider Genesis' request for a property tax exemption. In addition, statutorily required cost-benefit analysis performed by WSU failed to consider the fiscal impact of the project on the Maize School District. The City Council must therefore reconsider its approval of the property tax abatement for Genesis in order for the exemption to be lawfully granted.

ANALYSIS: K.S.A. 12-1749c states that "prior to the approval of an inducement resolution or letter of intent which includes an agreement for ad valorem tax abatement for property to be financed by issuance of any industrial revenue bonds under K.S.A. 12-1740 through 12-1749a, and amendments thereto, the county or city clerk, as the case requires, shall notify in writing the governing board of the unified school district within which the property proposed for exemption is located."

K.S.A. 12-1749d states that "prior to issuing any revenue bonds pursuant to K.S.A. 12-1740 to 12-1749, inclusive, and amendments thereto, for any business the property of which will be eligible for an exemption from ad valorem taxation pursuant to K.S.A. 79-201a Second, and amendments thereto, the board of county commissioners of any county or the governing body of any city, as the case requires, shall be required to:

(a) Prepare an analysis of the costs and benefits of each exemption which shall include the effect of the exemption on state revenues; and

(b) conduct a public hearing on the granting of such exemption. Notice of the public hearing shall be published at least once seven days prior to the hearing in the official city or county newspaper, as the case requires, and shall indicate the purpose, time and place thereof. In addition to such publication notice, the city or county clerk, as the case requires, shall notify in writing the governing body of any city or county and unified school district within which the property proposed for exemption is located."

FINANCIAL CONSIDERATIONS: The estimated first year's taxes on Genesis' proposed \$11,850,000 expansion would be \$136,356, on real property improvements and \$27,388 on personal property, based on the 2003 mill levy. The tax exemption would be shared among the taxing entities as follows: City - \$45,976; County/State - \$43,687; and USD 259 - \$74,080.

The total tax abatement will be reduced by a \$22,000 per year payment-in-lieu-taxes.

Purchases financed with industrial revenue bonds are generally exempt from state and local sales tax. Use of IRBs would save Genesis an estimated \$460,000 in sales tax, of which \$73,000 would be county sales tax.

LEGAL CONSIDERATIONS: The Department of Law has advised that there is no legal impediment to the City Council's reconsideration of its prior action to approve the Genesis letter of intent and property tax abatement.

RECOMMENDATIONS/ACTIONS: It is recommended that the City Council set January 11, 2005 as the date for a public hearing on the approval of Genesis Health Clubs' request for a property tax exemption in connection with the issuance of industrial revenue bonds, and direct the City Clerk to give proper notice of said hearing.